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ABSTRACT

A study assessed the communication skills of practicing lawyers in order to determine whether they had needs that could be met by the speech communication discipline. Specifically, the study investigated (1) the importance lawyers attached to certain communication skills, (2) how proficienty they considered themselves to be in using those skills, and (3) the extent to which they felt their undergraduate and law school education had prepared them to use those communication skills. Questionnaires were completed by 99 practicing lawyers. Results showed that regardless of type of practice, years spent in practice, or sex, lawyers agreed that many communication skills were important to their work. The lawyers also agreed that their college and law school training did not adequately prepare them to use the communication skills investigated. (FL)

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Meeting Lawyer Needs Through Assessment: What Is Important to Attorneys

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Presented at the Sixty-Ninth Meeting of the

Speech Communication Association

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INTRODUCTION

> "Ever since legal education moved out of the law office and into the university, critics have complained that law school graduates lack the practical knowledge, skill and ingenuity essential to effective performance in the role of a practicing attorney."[1]

This observation by Reed in 1929 sums up a fifty year debate that heralded advocates from all levels of the judiciary and legal profession and has recently reached into academic departments that reside outside the law school. In particular, our discipline of speech communication has evidenced interest in renewing and revitalizing our linkages to legal education. The Communication and the Law Interest Group of S.C.A., speech courses tailored to the future lawyer and the formation of new organizations, such as the Association of Trial Behavior Consultants, are all signs of a desire to connect the expertise of speech educators to the legal profession. This study is an attempt to facilitate the connection of those interests.

Methodology

This study, which was funded by a Dean's Grant from the College of Sciences and Humanities,[2] had as its central purpose to assess the communication skills of practicing attorneys, with the ultimate goal of determining if needs existed which could be met by the speech communication discipline, either by coursework, extra-curricular activities, consulting or other approaches. The study investigated three questions: first, how important do lawyers perceive certain communication abilities are for their practices; second, how proficiently do lawyers rate them-

selves in using these skills; third, to ascertain the extent to which the lawyers felt their undergraduate and law school education prepared them to use these communication abilities.

An eight-page questionnaire was developed to gather data from a national sample of lawyers. After the initial questionnaire was prepared, feedback was elicited from attorneys which resulted in improved wording as well as additions and deletions of items. The revised questionnaire was sent to 355 practicing attorneys, selected by a random method from the membership list of the Association of American Trial Lawyers, and to law school faculty at three law schools in Indiana and Ohio. Ninety-nine replies were received from thirteen states,[3] which represents a 28% return.

The data was analyzed using the chi square test. The x^2 test is suitable for analyzing data that includes a number of subjects, objects or responses which fall into various categories.[4] This test has been well established for research in the behavioral sciences.[5] Because of our initial sample distribution, all data which was statistically significant on the first data run was reanalyzed with the cells collapsed. Only data verified by the second run has been classified as statistically significant.

Review of Literature

The centrality of communication skills to lawyering is well-established. Lawyers who write about the topic indicate that communication skills are important and are used extensively in their profession. Dean Shaffer, for example, estimated that 90% of a lawyer's time is spent in talking and listening.[6]

Goodpaster, reflecting upon his experiences as a lawyer, emphasizes the extent to which a lawyer's daily activities require communication skills:

> I realized just how much of a lawyer's work involved dealing with people—listening to clients, developing rapport with them, handling them; educating and persuading judges or opponents ...[7]

Dean Griswold agrees:

> (L)awyers deal with people. They deal with people far more than they do with appellate courts. They deal with clients; they deal with witnesses; they deal with persons against whom demands are made; they carry on negotiations; they are constantly endeavoring to come to agreements of one sort or another with people, to persuade people ....[8]

Sacks and Hunsaker delineate the important legal tasks for which communication skills are necessary:

1. Securing information from clients, witnesses
2. Helping clients with their problems by providing advice and action
3. Mediating disputes between business or marriage partners
4. Negotiating with other persons—lawyers, clerks, administrative officials, clients
5. Participating in small groups, either as a leader or a member—directors' meetings, estate planning conferences, tax matters, strategy planning sessions
6. Drafting legal instruments—letters, memoranda, petitions, motions, briefs, contracts, deeds, wills releases, pleadings
7. Persuading others—clients, clerks, administrative officials, judges, juries, other lawyers, city councils, zoning boards
8. Consulting with others—other attorneys, experts, specialists, investigators, clerks, judicial and administrative officials, legislative and executive officers, in order to obtain or share authoritative information and assistance.[9]

Researchers have verified these observations. In an observational study of lawyers rated as "good general practitioners" by their colleagues in Dallas, Decotiis and Steele found that the lawyers spent a major part

of their workday in interpersonal contact with clients. Specific communication activities included transmitting information, interviewing, building rapport, advising, counseling and explaining, as well as negotiating with other attorneys, low-key discussions at the courthouse and consultation with secretaries.[10]

Surveys of lawyers have also ascertained that communication skills are important for effective lawyering. Baird, surveying 1955, 1965 and 1970 graduates of six law schools, discovered that oral communication ability was rated as the third most key skill (defined as essential to adequate performance at lawyering).[11] At least one-third of the lawyers indicated that three communication abilities—interviewing clients, interviewing witnesses and counseling clients—were of great importance to their career.[12]

A 1973 survey of 634 lawyers in California revealed that five communication skills—interviewing, counseling, oral arguments, negotiating and persuasive expression—were labeled as essential or important by seventy-five percent or more of those responding.[13] Eighty-five percent of those with trial practices rated these skills as essential or important to their practice.[14] Schwartz also found that the importance of oral skills increased during the first twenty years of legal experience.[15]

A 1974 survey of members of the Kentucky Bar Association came to a similar conclusion. Interviewing clients and orally counseling clients were ranked as the second and fifth most important tasks, in terms of time consumed.[16] These four hundred and sixteen Kentucky lawyers also rated the communication skills of interviewing, coun-

seling and negotiating as the second most important category of knowledge/skills for their profession.[17]

Specific studies have examined the use of particular communication skills by lawyers. Schwartz[18] and Benthall-Nietzel[19] determined that lawyers consider interviewing an important skill in their profession and that they spend much of their time using this ability. A need for more sophisticated training is suggested by the finding of DeCotiis and Steele[20] that lawyers tend to rely upon stock questions in their interviews, rather than adapting to the particular situation.

Investigators have also determined that much of a lawyer's time[21] and many of a lawyer's tasks[22] involve the use of interpersonal skills. However, law schools do not emphasize the development of these skills[23] and lawyers are not skilled in using interpersonal communication skills.[24]

Other studies have indicated that lawyers spend a great deal of time communicating with their secretaries,[25] that negotiating is an important communication skill for a lawyer to possess,[26] that the abilities to conduct low-level discussions and to manipulate are important for the courthouse activities of a lawyer,[27] and that written communication skills, for drafting legal documents, may be less important than has been assumed, since many lawyers seem to rely upon canned documents.[28]

Though lawyers feel that communication skills are important to their ability to do their job well and researchers have determined particular skills which lawyers rely upon extensively, law schools, with few exceptions, do not emphasize the development of these communication abilities and have not developed courses to teach such skills.[29]

The absence of attention to the development of communication skills by law schools has elicited criticism by law school faculty

members,[30] by communication experts,[31] by graduates of law schools,[32] by judges,[33] and was implied by a series of investigations into the competency of lawyers in trial advocacy.[34]

As two researchers aptly put it:

> ... formal legal education has opted out of the teaching of performance skills .... Lawyers of the future must be taught more than the law—they must also be taught how to practice the law in a functional and economic way.[35]

Sex Variable

An analysis of data by gender produced findings which support five general conclusions:

1. Generally, lawyers do not perceive themselves as very strong in many communication abilities.
2. Lawyers consider many of the communication skills in which they are not strong as being very important to their practice.
3. Males and females agree, in general, upon the communication skills which are important.
4. Females see themselves as much less competent communicators than their male counterparts, especially in terms of skills to relate to their clients and skills to establish credibility.
5. Lawyers report that their college and legal training do not adequately develop their ability to use the communication skills investigated.

On only three of the twenty-six communication skills investigated, did fifty percent or more of the lawyers rate their ability as strong. These three skills were the ability to establish rapport with the client (59.2%), focusing upon the facts in the case, rather than upon legal concepts in a trial setting (54.3%), and sounding sincere (54.2%).

Lawyers perceive their communication skills relating to projecting credibility to be their strongest abilities, their command of basic communication skills to manage information as next strong, and their abilities to interpret and use nonverbal communication skills to be weakest.

As Table 1 indicates, on nine of the skills investigated, less than one-fourth of the lawyers rated their ability as strong.

Table 1

Lawyers' Estimate of Ability

Skill	% rating self strong
1. Explaining legal concepts or law to facilitate jury understanding	24.7
2. "open up" a quiet or hesitant client	23.7
3. Use nonverbal communication behaviors	23.7
4. Not using notes	17.1
5. Using gestures	16.9
6. Using movement to get close to jury or to emphasize a point	16.3
7. Reading jury's body language	12.5
8. Determining if client's information is honest	11.5
9. Reading client's body language	7.2

Even though they do not assess their skills as strong, this sample of lawyers agreed that many of these communicating abilities are extremely important to their practice. Table 2 presents those abilities which seventy percent or more of the sample rated as extremely important.

Some important differences in the importance males and females attach to specific communication behaviors emerged. Males feel that generating a credible image, being able to "open up" a quiet or hesitant client and calming down an emotional client are more important than do females. Interestingly, males also see themselves as less capable of performing the latter two tasks than females. Females, on the other

hand, rate the ability to ask effective questions, several skills related to projecting credibility - speaking ability, use of eye contact, using examples, planning exhibits and taking notes - and reading the jury's body language as more important than do their male counterparts.

Table 2

Importance of Communication Skill

Ability	% rating extremely important
1. Plan questions to examine opposing witness	91.9
2. Sounding sincere	89.9
3. Listening	89.8
4. Asking effective questions to obtain needed information	87.8
5. Generate a credible image	87.6
6. Asking effective follow-up questions	86.7
7. Establishing rapport with client	86.6
8. Convincing client you are going to act in their best interest	82.7
9. Projecting interest in client	81.6
10. Using simple English	81.6
11. Focusing on facts in the case, rather than legal concepts	81.1
12. Speaking ability, fluency	77.8
13. Determining if client's information is honest	73.5

Both genders of lawyers agreed that four communication skills - ability to speak without notes, using gestures, using nonverbal communication behaviors, and the ability to read body language - are of lesser importance. Inclusion of the nonverbal communication skills is surprising, in light of the considerable body of research which suggests that a substantial portion of communication occurs via nonverbal channels.[36]

Table 3 presents data which illustrates that lawyers feel that they do not possess strong ability to use several of the communication skills which they feel to be extremely important to their practice.

Generally, males perceived themselves as much more skilled at using the communication abilities this study investigated. Males indicate that they possess stronger levels of ability to manage and present information, to project credibility and to establish positive relationships with clients.

In terms of using two of the communication skills for managing/presenting information - using examples or analogies to facilitate understanding by the jury ($P < .01$) and explaining legal concepts or the law to facilitate understanding by the jury ($P < .02$) - there was a statistically significant difference between the perceived abilities of male and female lawyers. Differences which strongly approached statistical significance appeared in estimates of speaking ability, ability to use gestures and use of movement to get close to a jury. Males also viewed their ability as stronger to use simple English, to tell a client the lawyer's understanding, to determine if the client's information is honest and to focus upon the facts in a case rather than legal concepts.

Table 3

Skill	% saying extremely important	% rating ability strong	
		Male	Female
1. Sounding sincere	89.9	57.1	38.5
2. Listening	89.8	45.1	37.5
3. Asking effective questions	87.8	25.6	37.5
4. Generate a credible image	87.6	52.4	31.3
5. Asking effective follow-up questions	86.7	28.0	43.8
6. Establishing rapport with client	86.6	59.8	56.3
7. Convincing client going to act in best interest	82.7	46.3	37.5
8. Projecting interest in client	81.6	45.1	31.3
9. Using simple English	81.6	36.6	30.8
10. Focusing on facts, rather than legal concepts	81.1	55.9	46.2
11. Speaking ability/fluency	77.8	42.9	23.1
12. Determining if client's information is honest	73.5	13.8	0.0

The difference between male and female perceptions of their ability to generate a credible image and to project credibility by not using notes approached statistical significance. Males also feel they possess stronger ability to project sincerity.

Male lawyers also indicated stronger abilities to communicate interest in a client. They report stronger levels of competence to

establish rapport, to convince the client they are acting in the client's best interest, to listen carefully, to project interest in the client, to establish eye contact with a witness or jury, and to read body language (so as to adapt their communication behavior to a client or jury.)

In only five of the twenty-six skill areas did a comparable percent of females see themselves as possessing ability equal to or stronger than male lawyers. The five skill areas are the ability to ask primary questions, to ask effective follow-up questions, to calm down an emotional client, to use nonverbal behaviors, and to open up a hesitant client. Two of these skills relate to information management (questioning abilities), and three are useful for relating to the client.

Importantly, in no area of skill appropriate to establishing credibility did females see their skills as being as well-developed as the skills of males.

Surprisingly, not a single female respondent rated her ability as strong regarding the following communication skills: using examples or analogies, explaining legal concepts, using gestures, using movement to get close to the jury, determining if the client's information is honest, and reading body language.

Responses to the question, "How well did your training (college, law school, including activities) prepare you to use communication skills?," revealed that the formal training of lawyers inadequately addresses communication skill development. For virtually every communication ability addressed, a high percentage of respondents indicated "little or no" training and a low percentage felt they were trained "very well." This data is presented in Table 4.

Table 4

Training in Communication Skills

	Skill	Percent indicating trained very well	Percent indicating little/no training
1.	Listening	17.1	23.2
2.	Asking effective questions	8.3	29.7
3.	Ask effective follow-up questions	8.3	30.9
4.	Convince client going to act in their best interest	6.0	53.6
5.	Establish rapport with client	4.8	59.5
6.	Generate credible image	4.8	40.4
7.	Sell self as person to solve client's problems	4.8	51.2
8.	Project interest in client	3.6	63.1
9.	Tell client understanding	3.6	57.1
10.	Calm down emotional client	2.4	83.3
11.	Open up hesitant client	2.4	81.0
12.	Read client's body language	2.4	84.6
13.	Use nonverbal	2.4	78.6
14.	Determine if client's information is honest	1.2	63.1

The lack of training is universal among these subjects. With the exception of listening, no more than 8.6% of males report being well-trained in any skill. On eleven of these skills, not a single female reported being well-trained. On nine of the skills, over 50% of lawyers of both sexes reported receiving little or no training.

Years of Practice

An analysis of the data according to the number of years a lawyer has practiced produced findings which support three general conclusions:

1. Several skills related to establishing credibility and to fostering positive interpersonal relations appear to improve with experience.
2. Lawyers in their mid-career years (8 - 25 years of practice) generally perceive their communication abilities as stronger than do younger and older lawyers.
3. Several skill estimates of mid-career lawyers suggest that altruism (orientation toward others, rather than self) is more strongly reflected in their communication behaviors.

As the number of years of legal practice increases, estimates of one's ability to use communication skills to project credibility and to promote positive interpersonal relations are higher. Specific abilities to project credibility are those of generating a credible image of being trustworthy and competent, convincing the client you are going to act in their best interest, and the ability to focus upon facts rather than legal concepts. More experienced lawyers also report stronger levels of ability to establish rapport with a client. They rate themselves as more adept at using movement to get close to a jury or to emphasize a point. This data is reported in Table 5.

Generally, lawyers who have been practicing for from eight to twenty-five years report higher levels of communication skill ability than other lawyers. This might be expected since these are the years

one is likely to view as one's prime years, this is after one has sufficient experience to perfect one's skills, and it is before one begins to spend more time focusing upon retirement.

Table 5

Percent Rating Their Ability as Strong

Ability	Years of practice				
	1-3	4-7	8-15	16-25	26-40
1. Establish rapport with client	50.0	53.8	60.9	68.4	87.5
2. Generate a credible image	21.4	38.5	56.5	73.7	62.5
3. Convince client going to act in their best interest	28.6	34.6	52.2	63.2	62.5
4. Movement to jury or to emphasize a point	0.0	10.5	21.1	16.7	37.5
5. Focus upon facts, rather than legal concepts	41.7	36.4	72.2	66.7	50.0

Lawyers with few years of practice, as well as those with many years of practice, report lower self-estimates of their ability to speak without notes and to determine if the client's information is honest.

Younger lawyers indicate their skill levels are lower than other lawyers to use three skills useful for projecting credibility (ability to sell yourself as a person who can solve the client's legal problems, ability to use examples or analogies to facilitate a jury's understanding, and ability to explain legal concepts) and to use two skills for managing or presenting information effectively (using gestures, using movement.)

These same lawyers estimate their ability to read body language and to use nonverbal communication behaviors as stronger. This probably reflects the relatively recent addition of courses presenting this information to the educational curriculum.

Lawyers with the most years of practice estimate their abilities to read the client's body language and to use nonverbal communication behaviors as lower than do other lawyers. They also feel less competent to tell a client their understanding. However, they and the youngest lawyers estimate their ability to sound sincere as stronger than other lawyers.

Lawyers in their mid-career years (8-25 years of practice) perceive their abilities which would help one project altruism (other — rather than self-oriented) as stronger than other lawyers. The difference in their perception of their ability to use one of these skills - using simple English - is statistically significant ($P < .03$). Other abilities include listening effectively, asking effective initial and follow-up questions, projecting interest in a client, telling a client your understanding, and calming down an emotional client. This group of lawyers also views their capability to utilize three skills generally helpful to establish credibility as stronger. The difference in their perception for one of the abilities - speaking ability, fluency - is statistically significant ($P < .005$). The two other abilities are selling oneself as a person who can solve the client's legal problems and using gestures. Data pertaining to the mid-career lawyer ability perceptions is presented in Table 6.

Table 6

Percent Estimating Ability as Strong

Ability	Years of practice					
	1-3	4-7	8-15	16-25	26-40	p
1. Using simple English	16.7	13.6	50.0	50.0	25.0	.03
2. Listening	35.7	26.9	69.6	47.4	37.5	
3. Asking effective questions	21.4	11.5	47.8	36.8	12.5	
4. Asking effective follow-up questions	21.4	19.2	43.5	47.4	25.0	
5. Project interest in client	42.9	34.6	52.2	47.4	37.5	
6. Tell client understanding	35.7	26.9	52.2	47.4	0.0	
7. Calm down emotional client	28.6	23.1	31.8	36.8	12.5	
8. Speaking ability, fluency	25.0	13.6	65.0	55.6	37.5	.005
9. Using gestures	0.0	13.6	30.0	22.2	12.5	
10. Selling self as person to solve client's problem	7.1	15.4	43.5	52.6	37.5	

Regardless of the number of years they had practiced, the sample of lawyers agreed that ten of the communication skills are very important. These skills are presented in Table 7. They also agree that two skills, using nonverbal communication skills and reading the body language of a client, are relatively unimportant in their practices.

Lawyers who have practiced more years place greater importance upon five skills. These are those of selling oneself as a person who can solve the client's legal problem, determining if the client's information is honest, opening up a hesitant client, using eye contact with a witness and not using notes in a trial. These lawyers place less

importance than do other lawyers upon the asking of questions, although they do view this as an important skill.

Table 7

Percent Rating Skill as Extremely Important

Skill	1-3	4-7	8-15	16-25	26-40
1. Listening	100.0	96.2	100.0	100.0	100.0
2. Sounding sincere	92.9	88.9	82.6	94.7	100.0
3. Planning questions for opposing witness	85.7	88.9	91.3	94.7	100.0
4. Asking effective questions of client	100.0	85.2	86.4	84.2	75.0
5. Generating credible imago	85.7	88.5	77.3	100.0	87.5
6. Asking effective follow-up questions	100.0	88.9	72.7	84.2	87.5
7. Establishing rapport with client	92.9	84.6	72.7	94.7	87.5
8. Convincing client acting in best interest	71.4	77.8	86.4	89.5	87.5
9. Projecting interest in client	85.7	77.8	77.3	84.2	87.5
10. Focusing on facts, rather than legal concepts	92.3	73.1	81.0	89.5	75.0

Lawyers with the least experience feel that asking appropriate follow-up questions, focusing upon facts rather than legal concepts, and taking careful notes in a trial are more important than do other lawyers. They also feel that convincing a client you will act in their

best interest and using examples or analogies to facilitate understanding by the jury are less important communication skills.

Lawyers in their mid-career years indicate that five communication skills - asking appropriate follow-up questions, sounding sincere, speaking ability or fluency, using movement to get close to a jury or to emphasiza a point in a trial, and using gestures in a trial - are less important to their practices than to the practices of the other lawyers sampled.

While this sample of lawyers generally report that their training in college and law school was inadequate to prepare them to utilize the communication skills investigated in this study, some differences worth noting appeared.

The only statistically significant finding was that younger lawyers report that they are much more adequately trained in listening skills ($P < .02$). Younger lawyers also report a stronger level of training in telling a client one's understanding, in using nonverbal communication behaviors, in asking primary and follow-up questions, and in reading body language.

Lawyers who have been practicing the longest report better training in how to project interest in a client, in generating a credible image, in establishing rapport with a client and in convincing a client one is acting in their best interest. This may suggest that some techniques for relating to a client were stressed more strongly during the years they attended college and law school than they are presently being emphasized.

Overall, the younger and older lawyers reported stronger training in using communication skills than did mid-career lawyers. However, even the young and the more experienced lawyers indicated that they did not receive much training in how to use most of the communication skills effectively.

General Practitioner vs Specialist

The questionnaire asked the lawyers to classify themselves either as a general practitioner or a specialist. Analysis of this data generally found the three following differences:

First, specialists rated their perception of their communication skills as much stronger than the general practitioners.

Second, the general practitioners believed that the communication skills investigated were more important to their practices than the specialists.

Third, although neither group believed they were very well trained in using these communication skills, the specialists did tend to rate their training higher than the general practitioner.

Specifically, in terms of the lawyers' perceptions of their abilities, three statistically significant differences emerged between the two groups. First, the specialists rated themselves as stronger in telling the client their understanding of what they had told them ($P < .001$) and in using simple English ($P < .04$). The general practitioners perceived their ability to read the jury's body language much higher than the specialists ($P < .03$).

Although the specialists seemed to view their abilities much higher, the general practitioner tended to view the communication skills as much more important, except for the use of nonverbal communication, which both groups viewed as relatively unimportant. See Table 8 for a comparison.

The specialists tend to rate themselves as better trained to use the communication abilities. It is important to note, however, that less than ten percent of all groups rated themselves as well trained in the communication skills investigated. Although not statistically significant, the specialists believed they were better trained in the following areas: establishing rapport with the client, selling themselves as a person who can solve a client's legal problems, calming down an emotional client, opening up a hesitant or quiet client, and reading the client's body language. In just one area, listening carefully , did the general practitioners believe their training was better.

Table 8

Importance of Communication Skills

Skill	% indicating extremely important	
	General Practitioner	Specialist
1. Listening	100	98
2. Ability to plan questions for opposing witnesses	93	90
3. Sounding sincere	95	88
4. Asking effective questions	90	85
5. Asking appropriate follow-up questions	90	83
6. Speaking ability	88	71
7. Establishing rapport with client	95	79
8. Convincing client you are acting in their best interest	86	77
9. Project interest in client	90	71
10. Opening up a hesitant client	45	42
11. Telling client your understanding of what they told you	53	35
12. Eye contact with jury	78	67
13. Planning exhibits	62	49
14. Reading jury's body language	47	29
15. Movement to the jury	33	14
16. Using gestures	31	8

Case Type: Criminal Business, Labor, Property and Wealth

The questionnaire asked the lawyers to list the types of cases they handle most frequently. The data was analyzed using the following client groups: Criminal, Business, Labor, and Property and Wealth.

Data which presents the perceptions of these groups of their abilities, the importance of skills to their practice and the adequacy of their training is presented in Tables 9 through 12.

Table 9

Case Type: Criminal

Skills	% rating ability strong	% indicating extremely important	% indicating trained very well
1. Establish rapport with client	62.5	75.0	14.3
2. Project interest in client	37.5	75.0	0.0
3. Generate a credible image	50.0	87.5	0.0
4. Convince client you are going to act in their best interest	50.0	75.0	0.0
5. Sell self as a person who can solve client's legal problems	25.0	50.0	0.0
6. Calm down an emotional client	37.5	75.0	0.0
7. Open up a quiet or hesitant client	25.0	50.0	0.0
8. Determine if client's information is honest	12.5	62.5	0.0
9. Read client's body language	0.0	25.0	0.0
10. Ask effective questions	12.5	87.5	14.3
11. Ask appropriate follow-up questions	50.0	87.5	14.3
12. Tell client your understanding	0.0	37.5	0.0
13. Use nonverbal communication behaviors	0.0	25.0	0.0
14. Listen carefully	12.5	87.5	33.3

Table 10

Case Type: Business

Skills	% rating ability strong	% indicating extremely important	% indicating trained very well
1. Establish rapport with client	56.5	86.4	10.5
2. Project interest in client	43.5	82.6	10.5
3. Generate a credible image	47.8	91.3	10.5
4. Convince client you are going to act in their best interest	47.8	78.3	5.3
5. Sell self as a person who can solve client's legal problems	30.4	65.2	5.3
6. Calm down an emotional client	17.4	34.8	5.3
7. Open up a quiet or hesitant client	8.7	47.8	5.3
8. Determine if client's information is honest	8.7	69.6	5.3
9. Read client's body language	17.4	17.4	5.3
10. Ask effective questions	30.4	82.6	10.5
11. Ask appropriate follow-up questions	34.8	82.6	10.5
12. Tell client your understanding	39.1	47.8	10.5
13. Use nonverbal communication behaviors	21.7	21.7	5.3
14. Listen carefully	47.8	87.0	21.1

Lawyers who handle criminal cases more frequently perceived themselves as significantly stronger than their collegues in their ability to establish rapport with their clients ($P < .02$). Although not statistically significant, the criminal group also rated themselves as stronger than other lawyers in the following skills: reading their

client's body language, telling the client their understanding of what they had told them, and in using nonverbal communication behaviors. It is also interesting to note that few of the criminal lawyers rated themselves as strong in areas where one would normally expect the lawyers handling criminal cases to excell: listening carefully (13%); speaking ability (29%); using simple English (14%); and establishing eye contact with the jury (14%).

Table 11

Case Type: Labor

Skills	% rating ability strong	% indicating extremely important	% indicating trained very well
1. Establish rapport with client	71.4	92.9	0.0
2. Project interest in client	50.0	85.7	0.0
3. Generate a credible image	57.1	92.9	0.0
4. Convince client you are going to act in their best interest	50.0	78.6	7.1
5. Sell self as a person who can solve client's legal problems	42.9	64.3	7.1
6. Calm down an emotional client	38.5	35.7	0.0
7. Open up a quiet or hesitant client	38.5	35.7	0.0
8. Determine if client's information is honest	23.0	71.4	0.0
9. Read client's body language	7.7	7.7	0.0
10. Ask effective questions	35.7	85.7	0.0
11. Ask appropriate follow-up questions	42.9	85.7	0.0
12. Tell client your understanding	50.0	42.9	0.0
13. Use nonverbal communication	35.7	7.1	0.0
14. Listen carefully	50.0	85.7	0.0

Table 12

Case Type: Property and Wealth

Skills	% rating ability strong	% indicating extremely important	% indicating trained very well
1. Establish rapport with client	50.0	100.0	0.0
2. Project interest in client	0.0	100.0	0.0
3. Generate a credible image	100.0	100.0	50.0
4. Convince client you are going to act in their best interest	100.0	100.0	50.0
5. Sell self as a person who can solve client's legal problems	0.0	100.0	0.0
6. Calm down an emotional client	0.0	50.0	0.0
7. Open up a quiet or hesitant client	0.0	50.0	0.0
8. Determine if client's information is honest	0.0	100.0	0.0
9. Read client's body language	0.0	50.0	0.0
10. Ask effective questions	0.0	100.0	50.0
11. Ask appropriate follow-up questions	0.0	100.0	50.0
12. Tell client your understanding	50.0	100.0	0.0
13. Use nonverbal communication behaviors	0.0	50.0	0.0
14. Listen carefully	50.0	100.0	50.0

By comparison, lawyers who mainly handle business clients felt establishing rapport with the client was their strongest communication ability (57%) while only 9% ranked themselves as strong on opening up a quiet or hesitant client and on determining if the client's information is honest.

Lawyers who handle labor clients generally did not perceive themselves as either stronger or weaker than their colleagues in their communicating abilities. They did rank establishing rapport with the client as their strongest ability (71%) and reading the client's body language as their weakest.

In contrast, the final group of lawyers, who managed property and wealth for their clients, perceived themselves as very strong (100%) on generating a credible image and convincing their clients that they were going to act in their best interest. However, not one of the lawyers in this group rated themselves as strong in the following skills: projecting interest in the client, selling themselves as a person who can solve a client's legal problems, calming down an emotional client or opening up a quiet or hesitant client, determining if a client's information is honest, reading the client's body language, asking effective questions or appropriate follow-up questions and using nonverbal communication behaviors such as positioning of self, eye contact, and facial expressions, to establish rapport or to get information.

Besides the perception of abilities, all groups reported some interesting patterns in terms of the importance of these skills. For example, criminal lawyers ranked four skills as more important than did other lawyers: generating a credible image, asking effective questions and appropriate follow-up questions and listening carefully. Lawyers whose main case type is business clients ranked as their most important communication ability as generating a credible image (91%). Lawyers who dealt mainly with labor clients saw two skills as more important. Ninety-three percent of this group saw establishing rapport with a client and generating a credible image as extremely important. The final group,

lawyers who managed property and wealth for their clients, ranked ten of the fourteen skills as extremely important. Table 12 presents this data.

Last of all, these four groups indicated that there were differences in the training these lawyers received for developing and using their communication skills. For example, thirty-three percent of the criminal lawyers and twenty-one percent of the business lawyers indicated that listening carefully seemed to be the communication skill in which they were well trained. Labor lawyers, overall, were not very well trained in convincing the client they were going to act in their best interest and selling oneself as a person who can solve their legal problems. In relation to the previous three groups, lawyers who managed property and wealth for their clients seemed to feel they were better trained. Fifty percent rated themselves as being well trained in the following communication skills: generating a credible image, selling themselves as a person to act in the client's best interest, asking effective questions and appropriate follow-up questions, and listening carefully.

Case Type: Administrative and Regulatory, Tort, Contract and Criminal

Analyzing data by focusing on the legal practice groupings of administrative and regulatory, tort, contract and criminal yielded some significant findings, particularly in the lawyers' perceptions of their abilities and of their training.

In terms of perceptions of their abilities, there was a significant difference in perceived ability to establish rapport with the client ($P < .0010$). Eighty-seven percent of the lawyers who mainly deal

with torts ranked themselves as strong, compared to the administrative and regulatory (65%), criminal (67%), and contract (27%). There were also significant differences in the lawyers' perceptions of their ability to read the jury's body language ($P < .02$). None of the criminal or contract lawyers rated themselves as strong. The highest rating in the strong response came from the tort group (23%) followed by administrative and regulatory (7%). When both of these items are compared to how the same groups rate their importance of the skills (Table 13), it is interesting to note that at least three-quarters of every group rated establishing rapport as extremely important.

Besides these two statistically significant findings in perceived abilities, two significant findings also emerged in regard to the lawyers' perceptions of their training. The criminal lawyers felt that they were much better trained than the other groups to sell themselves as a person to solve their client's legal problems ($P < .006$). Forty-three percent of the criminal group felt they were well trained. In addition, the group of lawyers who handle criminal cases felt inadequately trained in determining if a client's information was honest ($P < .02$), with 83% reporting little or no training.

Although not statistically significant, the following patterns emerged. In terms of perception of abilities, only 13% of the criminal group rated themselves as strong in listening carefully, compared to administrative and regulatory (52%), tort (50%) and contract (44%). In terms of speaking ability in a trial setting, only twenty-nine percent of the criminal lawyers rated themselves as strong, but interestingly enough, eighty-eight percent of the criminal group felt it was extremely important.

Table 13

Case Types: Administrative and Regulatory, Tort, Contract and Criminal
Percent rating extremely important

Skills	Administrative & regulatory	Tort	Contract	Criminal
1. Establish rapport with the client	90	77	94	75
2. Project interest in client	91	71	75	75
3. Generate a credible image	91	82	88	88
4. Convincing client you are acting in their best interest	81	82	75	75
5. Selling self as a person who can solve their legal problem	52	65	75	50
6. Calm down an emotional client	33	21	38	75
7. Open up a quiet or hesitant client	38	44	50	50
8. Determining if client's information is honest	76	71	75	63
9. Reading client's body language	10	3	25	25
10. Ask effective questions to obtain needed information	86	88	88	88
11. Ask appropriate follow-up questions	81	88	88	88
12. Telling client your understanding of what they told you	43	41	50	38
13. Use nonverbal communication behaviors	10	15	31	25
14. Listen carefully	91	88	88	88
15. Speaking ability, fluency	87	74	69	88
16. Using simple English	71	82	94	75
17. Sounding sincere	86	88	100	88
18. Not using notes	5	12	13	25

19.	Using gestures to emphasize points	10	18	13	50
20.	Using movement to get close to jury or to emphasize a point	9	29	25	38
21.	Establishing eye contact with your witnesses or the opposing witnesses	55	59	69	63
22.	Establishing eye contact with the jury	64	77	81	63
23.	Reading jury's body language	29	25	67	38

(The above figures are rounded to the nearest percent)

Also in terms of the importance of the communication skills, it is interesting to realize how most of the groups generally ranked most abilities as extremely important, with the exception of the nonverbal communication areas (See Table 14).

Last of all, the lawyers perceive their training to be generally inadequate. The highest training ratings were reported by the criminal group in asking effective questions and asking appropriate follow-up questions (14%) and in listening carefully (33%). Thirty-one percent of the contract group also rated themselves as well trained to listen carefully. Other than these few cases, less than 10% of any group believed they were well trained to use communication skills.

Table 14

Percent Perceiving Strong Ability, High Importance and Effective Training

	Administrative & regulatory	Tort	Contract	Criminal	Skills
Ability	65	87	27	67	Establish rapport
Importance	90	77	94	75	with a client
Training	0	3	15	14	
Ability	48	47	44	38	Project interest
Importance	91	71	75	75	in a client
Training	6	3	8	0	
Ability	52	50	44	50	Project credible
Importance	91	82	88	88	image
Training	6	3	8	0	
Ability	48	50	44	50	Convincing client
Importance	81	82	75	75	you will act in
Training	6	6	8	0	best interest
Ability	33	32	31	25	Selling self as
Importance	52	65	75	50	person to solve
Training	3	6	8	0	legal problems
Ability	25	32	13	38	Calm down an
Importance	33	21	38	75	emotional client
Training	0	3	8	0	
Ability	20	35	13	25	Open up a quiet
Importance	38	44	50	50	or hesitant client
Training	0	3	8	0	
Ability	15	6	0	0	Reading client's
Importance	10	3	25	25	body language
Training	0	3	8	0	
Ability	15	12	13	13	Determining if
Importance	76	71	75	63	client's infor-
Training	0	0	8	0	mation is honest
Ability	38	27	25	13	Ask effective
Importance	86	88	88	88	questions
Training	6	9	8	14	
Ability	43	27	25	50	Ask appropriate
Importance	81	88	88	88	follow-up
Training	6	9	8	14	questions
Ability	52	50	44	13	Listen carefully
Importance	91	88	88	88	
Training	6	9	31	33	

Perceptions of Legal Educators and Practitioners

A perspective we tapped in our research was that of the legal educator. Members of the faculty of three well-established Midwestern law schools were asked their perception of the communication skills of typical students in their classes (past and present) and their estimate of the importance of verious communication skills to a lawyer when dealing with a client in the office.

Legal educators estimated the ability of their current and past students to perform the fourteen tasks investigated to be substantially lower than the abilities the practicing lawyers perceived themselves to possess. In each comparison, the difference was statistically significant - and strongly so. Data for these comparisons is presented in Table 15.

Both the legal educators as well as the lawyers were in more agreement regarding the importance of the communication skills investigated.

Both agree that the ability to convince the client you are acting in his best interest and the ability to tell the client your understanding are very important skills.

Legal educators perceive seven skills as being more important than do practicing lawyers. All of these skills are interpersonal and nonverbal communication abilities. For four of these skills - reading the client's body language, using nonverbal communication behaviors, opening up a quiet or hesitant client, and calming down an emotional client - the difference in perceived importance was statistically significant. Educators also viewed the skills of establishing rapport

with a client, of projecting interest in a client, and of determining if the client's information is honest as more important to a legal practice than did the practicing lawyers. This data is presented in Table 16.

Table 15

Estimates of Ability to Perform Communication Task

	Ability	Level of ability	Percentage estimates Legal educators	Lawyers	p
1.	Establish rapport with a client	good	14.3	98.8	
		fair	85.7	1.2	.0000
2.	Project interest in client	good	14.3	98.8	
		fair	85.7	1.2	.0000
3.	Generate a credible image	good	50.0	96.4	
		average	50.0	3.6	.0000
4.	Convince client acting in their best interest	good	21.4	98.8	
		average	71.4	1.2	.0000
5.	Sell self as person to solve client's problem	good	14.3	88.1	
		average	64.3	10.7	.0000
6.	Calm down an emotional client	good	35.7	98.8	
		fair	64.3	1.2	.0000
7.	Open up a hesitant or quiet client	good	0.0	79.5	
		average	35.7	20.5	.0000
8.	Read client's body language	good	21.4	86.7	
		fair	42.9	7.2	.0000
9.	Ask effective questions	strong	7.1	31.0	
		good	28.6	56.0	.0001
10.	Ask appropriate follow-up questions	strong	7.1	34.5	
		good	21.4	50.0	.0000
11.	Use nonverbal communication behaviors	good	7.1	68.7	
		average	21.4	24.1	.0000
12.	Listen carefully	strong	7.1	50.0	
		good	50.0	35.7	.004
13.	Tell client your understanding	strong	7.1	39.3	
		good	14.3	45.2	.0000
14.	Determine if client's information is honest	strong	0.0	13.4	
		good	21.4	45.1	.0000

Table 16

Importance of Interpersonal and Nonverbal Skills

Skills	Percent indicating extremely important: Legal educators	Lawyers	P
1. Read client's body language	69.2	7.1	.0000
2. Use nonverbal communication behaviors	69.2	12.9	.0000
3. Calm down an emotional client	92.3	31.8	.0001
4. Open up a quiet or hesitant client	84.6	41.2	.008
5. Establishing rapport with client	100.0	84.5	.313
6. Project interest in client	100.0	78.8	.185
7. Determining honesty of client's information	92.3	70.6	.422

Practicing lawyers, on the other hand, indicate that six communication skills are more important to their practice than do the legal educators. All of these skills relate to establishing credibility in an office visit with a client or in a trial setting. For one of the abilities, the difference in perceived importance is statistically significant: not using notes ($P < .004$). The other abilities are focusing on facts in the case rather than legal concepts, selling oneself as a person who can solve the client's legal problems, using gestures, using movement to get close to the jury or to emphasize a point, and establishing eye contact with your witness or the opposing witness. This data appears in Table 17.

Perhaps a relevant observation to sum up these findings is that observations of the practicing lawyers and legal educators do seem to be in agreement upon two related aspects of legal training. The educa-

tors feel that the typical law student possesses relatively low levels of ability in many important communication skills, while lawyers feel that their training to use these same skills (both college and law school) is weak.

Table 17

Importance of Skills to Project Credibility

	Skills	Level of importance	Percent indicating level of importance: Legal educators	Lawyers	p
1.	Not using notes	somewhat	21.4	58.8	.004
2.	Focusing on facts, rather than legal concepts	extremely	58.3	84.3	.09
3.	Selling self as person to solve clients problems	extremely	38.5	67.1	.09
4.	Using gestures	extremely	0.0	20.2	.15
5.	Movement to jury	somewhat	71.4	85.9	.33
6.	Eye contact/witness	extremely	35.7	57.6	.29

Estimate of Ability and Perceived Importance of Skill

A research question we posed was whether the lawyers' perception of their skill would affect their perception of the importance of abilities. In other words, do lawyers tend to feel that the abilities in which they are less strong are of lesser importance?

A cross-tab analysis found this influence to exert a statistically significant influence ($P < .001$) upon only one ability, the ability to tell the client your understanding. This pattern was also observed but only approached statistical significance for three other abilities. Those who rated themselves stronger felt that the skills of convincing a client you are acting in their best interest, listening carefully, and selling yourself as a person who can solve the client's legal problems were more important abilities to possess; those who rated themselves as weaker in terms of calming down an emotional client viewed this as a less important skill. Table 18 presents the data for these skills.

However, the influence of perceived ability did not affect estimates of the importance of nine of the communication skills investigated.

Both those who rated their ability as strong and those rating their skill less strong agreed that asking effective questions (initial) is very important.

Those with lower perceptions of their skill rated two skills - using nonverbal communication behaviors and reading the client's body language - as more important skills than did those who felt they possessed strong abilities to use these communication abilities.

No correlation between ability and perceived importance was found to exist for the communication behaviors of establishing rapport with

the client, projecting interest in the client, generating a credible image, opening up a quiet or hesitant client, determining whether the client's information is honest, and asking appropriate follow-up questions.

Thus, for the majority of skills investigated, the perceived estimate of a lawyer's ability did not appear to influence determination of the importance of the skill to a lawyer's practice.

Table 18

Ability	Perceived level of skill	% perceiving extremely important	P
1. Tell client your	strong	64.7	
understanding	good	28.2	.001
	average	54.2	
2. Convince client acting	strong	90.9	
in best interest	good	73.8	.11
	average	81.8	
3. Listening carefully	strong	95.3	
	good	88.9	.11
	average	77.8	
4. Selling self as person	strong	79.3	
to solve client's problem	good	57.4	.08
	average	52.4	

Conclusions and Implications

Overall, this data leads one to the conclusion that the communication skills of lawyers could be strengthened.

This agrees with both findings and recommendations of previous studies. Boyer and Cramton[37] found that beginning lawyers were lacking in several skills and studies by Benthall - Nietzel,[38] Stevens,[39] Stern[40] and Dunn[41] all recommended improved training in communication skills based upon their findings.

Regardless of type of practice, years spent in practice or gender, these lawyers agree that many communication skills are important to their practice. Simply put, these lawyers see a gap between what they need and what they possess.

Previous studies also determined that several of these skills are important to lawyering: counseling skills,[42] interviewing skills,[43] interpersonal skills,[44] and investigating the facts of the client's case.[45]

The importance of oral advocacy skills was confirmed in one previous study[46] and contradicted in another study.[47]

This sample of lawyers also agrees that their college and law school training did not equip them to be strong in the ability to use the communication skills which this study investigated. This finding confirms the recommendations of many for improved training. The Stevens finding most directly reflects this sentiment:

> "In general, the respondents from the class of 1970 ... felt that the law schools were devoting insufficient attention to ... communication skills, oral advocacy, ability to negotiate and arbitrate ... [48]

Generally, male lawyers see themselves as more competent to use the majority of communication skills. This is especially true with

those skills used to establish credibility and with skills for presenting and managing information.

Specialists view themselves as more capable of using communication skills than do general practitioners.

Several skills relating to establishing credibility and to fostering positive interpersonal relationships with clients appear to improve with experience, if the estimates of the lawyers' abilities are accurate.

Lawyers in their mid-career years perceive their communication competencies to be stronger than do younger and older lawyers.

Criminal lawyers and lawyers who manage property and wealth do not rate their abilities as strong in several communication skill areas which one might expect to be important to their practice.

Legal educators think lawyers are less skilled in communication than do lawyers. Their perception is similar to that of Boyer and Cramton, who reported "extreme self confidence" among lawyers about their abilities.[49]

General practitioners indicate that communication skills are very important to their practice.

Various communication skills may become more important as the years of practice increase. Younger lawyers indicate that information management skills are of prime importance; mid-career lawyers view communication skills to present information as more important; and more experienced lawyers feel that communication skills to project credibility are of greater importance to their practice. Only one previous study we found investigated this, and reported that oral skills were viewed as more important as an attorney gains experience.[50]

A gap exists in the perception of the importance of several communication skills between legal educators and practicing lawyers. This observation is supported by the finding of Boyer and Cramton.[51]

While lawyers generally agree that their training in communication skills is inadequate, younger and older lawyers report better communication training than do lawyers who have been practicing from 8-25 years.

One obvious implication of this and earlier investigations is that lawyers can profit from improving their ability to communicate.

The position that lawyers will learn the necessary communication skills as they practice law[52] is not supported by the data of this study. Even experienced lawyers did not report skills which are commensurate with the importance they attach to many of these communication skills. Also, the lawyer who enters a solo practice or a small legal firm has limited opportunity to learn these communication skills by observing other lawyers.

Additional studies of the communication skills lawyers use and the importance of those skills need to be undertaken. We know little about negotiations with other lawyers and using small group communication. Only in some areas could the findings of this study be compared with earlier investigations. Several of those investigations did not ask the about the same communication skills, did not investigate the importance of the skills to a practice, and did not analyze their data to determine statistical significance levels.

Investigations are also needed to determine the specific types of communication skill training which law schools attempt, the content of such instruction, and the methods used to teach such skills. The

data in this study strongly suggests that law schools err when they assume that law students come to them equipped to communicate effectively.

Several areas of concern about communication training for specific types of lawyers are indicated by our data:

1. Female lawyers appear to be in need of training to enable them to project credibility and to manage information more effectively.

2. Criminal lawyers and those who manage property and wealth seem to have low levels of ability to perform several communication tasks one would think to be important to their practice.

3. Because a general practice requires this type of lawyer to adapt to a variety of clients and situations, attention seems warranted to improving their abilities to use communication skills to establish rapport with clients, to gather and manage information effectively and to project a credible image.

4. A wealth of communication literature suggests that nonverbal communication skills are very important. Yet, this sample of lawyers does not appear to be aware of how extensively nonverbal communication is used in interpreting messages. Training in both the importance of such communication behaviors and the effective use of nonverbal skills seems warranted.

5. Experienced lawyers rate many of their communication skills as low. Yet, these same lawyers indicate that these are important skills for their practice. This implies that continuing education seminars, workshops and training sessions are not addressing communication skill development adequately. Investigation of this training seems to be in order.

Finally, as inadequate as these lawyers perceive their training as communicators to be, this data suggests that, in the eyes of legal educators, the typical lawyer may be even less skilled than he or she may think.

The implications of this study are eloquently express by legal researchers DeCotiis and Steele:

"... for the most part, the success of any law practice is left to luck and what innate skills the lawyer may possess .... Lawyers of the future must be taught more than the law - they must also be taught how to practice the law in a functional and economic way.[53]

Footnotes

[1] A. Reed, The Missing Element in Legal Education - Practical Training and Ethical Standards 1-4 (1929), as quoted in William T. Vuckowich, "The Lack of Practical Training in Law Schools: Criticisms, Causes and Programs for Change," 23, Case Western Law Review, (November, 1971), 140.

[2] The authors wish to express their appreciation to Dean Michael C. Gemignani, College of Sciences and Humanities, Ball State University, for his support of this project.

[3] The states surveyed were: Colorado, Florida, Indiana, Kentucky, Massachusetts, Michigan, Minnesota, North Carolina, Ohio, Pennsylvania, Texas, Washington and Wisconsin.

[4] Sidney Siegel, Nonparametric Statistics for the Behavioral Sciences (New York, New York: McGraw-Hill Book Company, 1956), 42-43.

[5] Further discussion of the chi square test can be found in Cochran (1952, 1954), Dixon and Massey (1951, Chapter 13), Lewis and Burke (1949), McNemar (1955, Chapter 13) and Hinkle, Wiersma and Jurs (1979).

[6] Shaffer, as quoted in David M. Hunsaker, "Law, Humanism and Communication: Suggestions for Limited Curriculum Reform," Journal of Legal Education 30 (1980), 423.

[7] Gary S. Goodpaster, "The Human Arts of Lawyering: Interviewing and Counseling," Journal of Legal Education 27 (1975), 5.

[8] Griswold, as quoted by Hunsaker, 423.

[9] Howard R. Sacks, "Human Relations Training for Law Students and Lawyers," Journal of Legal Education 11 (1959), 317-318; Hunsaker, 428-429. The first five functions were theorized by Sacks; the last three by Hunsaker.

[10] Thomas A. DeCotiis and Walter W. Steele, Jr., "Lawyering Skills: A Critique," Trial 13 (August, 1977), 30-32.

[11] Leonard J. Baird, "A Survey of the Relevance of Legal Training to Law School Graduates," Journal of Legal Education 29 (1978) 264-294, as quoted by Hunsaker, 265-268.

[12] Ibid.

[13] Robert A. D. Schwartz, "The Relative Importance of Skills Used by Attorneys," Golden Gate Law Review 3 (1973), 325.

[14] Ibid., 326.

[15] Ibid., 333.

[16] Deedra Benthall-Nietzel and Michael Nietzel, "How a Lawyer Spends His Time," Kentucky Bench and Bar 39 (January, 1975), 12.

[17] Ibid.

[18] Schwartz, 325-326.

[19] Benthall-Nietzel and Nietzel, 12.

[20] DeCotiis and Steele, 30.

[21] Benthall-Nietzel and Nietzel, 12.

[22] Deedra Benthall-Nietzel, "An Empirical Investigation of the Relationship Between Lawyering Skills and Legal Education," Kentucky Law Journal 63 (1974-75), 392; DeCotiis and Steele, 30.

[23] Robert Stevens, "Law Schools and Law Students," Virginia Law Review 59 (1973), 551-707, as quoted in Benthall-Nietzel, 375.

[24] DeCotiis and Steele, 31.

[25] Ibid., 32.

[26] Ibid., 31.

[27] Ibid.

[28] Ibid.

[29] Murray L. Galinson, "Interviewing, Negotiating and Counseling," Journal of Legal Education 27 (1975), 355; Goodpaster, 13.

[30] Elizabeth W. Stone, "Communication Skills Offerings in American Law Schools," Journal of Legal Education 29 (1978), 242-243; Hunsaker, 423.

[31] Hunsaker, 423.

[32] Bernard Stern, "Retrospection: What Recent Law School Graduates Think of Their Education: The Toledo Experience," Student Lawyer 17 (June, 1972), 27-31, as quoted in Benthall-Nietzel, 375; Richard E. Dunn, "Legal Education and the Attitudes of Practicing Attorneys," Journal of Legal Education 22 (1970), 220, as quoted in Benthall-Nietzel, 374; Benthall-Nietzel and Nietzel, 15.

[33] Judge Tamm, for instance, estimated that only two percent of attorneys could be regarded as "skillful advocates," according to a citation in Hunsaker, 418.

[34] For a review of these investigations, see Roger C. Cramton and Erik M. Jensen, "The State of Trial Advocacy and Legal Education: Three New Studies," Journal of Legal Education 30 (1979), 253-269, and Willard H. Pedrick and John P. Frank, "Trial Incompetence: Questioning the Clare Cure," Trial 12 (1976), 47-59.

[35] DeCotiis and Steele, 33.

[36] See, for example, Knapp, Mark L., Nonverbal Communication in Human Interaction, 2nd ed. (New York: Holt, Rinehart and Winston, (1978), especially 27-37.

[37] Boyer and Cramton, 221-297.

[38] Benthall-Nietzel, 373-397.

[39] Stevens, 594.

[40] Stern, 27.

[41] Dunn, 220.

[42] See Benthall-Nietzel, as well as Schwartz, 321-341.

[43] Ibid.

[44] Ibid.

[45] Benthall-Nietzel, 383.

[46] Schwartz, 325.

[47] Benthall-Nietzel, 386.

[48] Boyer and Cramton, 273.

[49] Boyer and Cramton, 258.

[50] Schwartz, 333

[51] Boyer and Cramton, 282.

[52] Vukowich, 140-152.

[53] DeCotiis and Steele, 33.